

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 568 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
2 to 5 No

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STATE OF GUJARAT

Versus

MITHIBEN W/O BADHABHAI AMRABHAI

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Appearance:

MR AJ DESAI, APP for Petitioner - State

MR JAYESH A DAVE for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 02/04/98

ORAL JUDGEMENT

Heard learned APP Mr.A.J. Desai for the petitioner State and Mr. Jayesh A. Dave, learned Advocate for Respondents No. 1, 2 & 3. Rule. Mr. Jayesh A. Dave, learned Advocate waives service of rule on behalf of respondents. The letter addressed by learned District & Sessions Judge, Bhavnagar, dated 16th January, 1998, bearing Confidential No. 15 of 1998 has been treated as

Criminal Misc. Application for transfer of Session Case No. 5 of 1998 pending in the Sessions Court, Bhavnagar to any other Sessions Court on the facts and circumstances stated in the petition.

2. In order to assess the prevalent situation, learned APP was directed to collect the Intelligence Report through Deputy S.P., District Bhavnagar and to produce the same on record. Today, DSP, Bhavnagar has placed on record a report in respect to probability of law and order if Session Case No. 5 of 1998 is conducted at Sessions Court, Bhavnagar.

3. Learned Advocate appearing on behalf of respondents has stated at the Bar that accused has no objection if the Session Case No. 5 of 1998 is transferred to any other appropriate Sessions Court.

4. Considering the overall facts and circumstances apparent from the Confidential Letter No. 15 of 1998 addressed by District and Sessions Judge, Bhavnagar to the Registrar of High Court of Gujarat and report of DSP, Bhavnagar dated 31.3.1998, it would be just and proper if Session Case No. 5 of 1998 pending in the Sessions Court at Bhavnagar is transferred to Sessions Court at Rajkot for further proceedings.

5. In view of the above stated discussion, the Session Case No. 5 of 1998 pending for further trial in the Sessions Court at Bhavnagar is ordered to be transferred to the Sessions Court, Rajkot for further proceedings. Learned District and Sessions Judge, Bhavnagar, is directed to forward case papers with due intimation to the learned District & Sessions Judge, Rajkot, within the period of two weeks from the date of receipt of the writ. Learned District and Sessions Judge, Rajkot, is directed to accept the said papers and to conduct the trial in the matter of Session Case No. 5 of 1998 at Rajkot. Rule is made absolute accordingly. No order as to costs. Copy of writ be sent for information and record to the District & Sessions Court, Rajkot.

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